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FACSIMILE TRANSMITTAL SHEET

Date: 14 November 2005 **Total Number of Pages:** 5
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To: Commissioner for Patents
USPTO

FAX Number: 001 571 273 8300

From: Martin A Hay

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Acknowledgment Requested: Yes No

Message:

US Patent No 6,946,467
WILEY, Michael Robert
Our Ref: 00219/US

Re: Request for Reconsideration of Patent Term Adjustment After Issue of the
Patent

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<u>[Signature]</u> Signature	<u>November 14, 2005</u> Date

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 6,946,467
Inventor : WILEY, Michael Robert
Assignee : Eli Lilly and Company
Issued : September 20, 2005
Serial No. : 10/030,187
Filed : 04 February 2002
For : Serine Protease Inhibitors
Art Unit : 1624
Examiner : HABTE, KAHSAI
Docket No. : 00219/US
Customer No. : 024330

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
UNITED STATES

Sir:

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
AFTER ISSUE OF THE PATENT
(37 C.F.R. § 1.705(d))

Patent No. 6,946,467
Petition under 37 CFR 705(d)

This is a request for reconsideration of patent term indicated in the patent.

Please charge the requisite fee under 37 C.F.R. § 1.18(e) of \$200.00, and charge any other fee that may be required by this or any other related paper, or credit any overpayment, to Deposit Account No. 50-1230 in the name of Martin A. Hay & Co.

Statement of the Facts Involved

(i) The correct patent term adjustment should be 471 days, based upon § 1.702(a)(1) and (4).

(ii) Prior to issue of the patent, the PTO had determined that the period of patent term adjustment based upon § 1.702(a)(1) should be 28 days, based upon a PTO delay of 33 days and an Applicant delay of 5 days. It is respectfully submitted that the patent term should be adjusted by a further 443 days, based upon § 1.702(a)(4). Thus, the total adjustment should be 471 days.

The issue fee was paid on March 4, 2004 and the patent issued on September 20, 2005. The number of days in the period beginning on the day after the date that is four months after the date the issue fee was paid was therefore 443. At the time that the issue fee was paid, all outstanding requirements had been satisfied.

In the PTO's calculation in PAIR, it is indicated that the Applicant filed a request for foreign priority on March 29, 2004, which meant that there was a delay of 120 days caused by the Applicant. This is incorrect. On March 29, 2004, the PTO received copies of the priority documents from WIPO. Nothing was submitted by the Applicant.

Patent No. 6,946,467
Petition under 37 CFR 705(d)

The application was the national stage of a PCT application designating the United States. When the PCT application was filed, Applicant made a proper claim to foreign priority and requested the Receiving Office to supply certified copies of the priority documents to the International Bureau in accordance with PCT Rule 17.1(b). Pursuant to PCT Rule 17.2(a), it was the responsibility of the PTO, acting in its capacity as designated office, to obtain certified copies of the priority documents from the International Bureau.

In the office action mailed on September 26, 2003, the PTO acknowledged receipt of all of the certified copies of the priority documents in accordance with PCT Rule 17.2(a). However, in the Notice of Allowability mailed on December 18, 2003, the PTO indicated that none of the certified copies of the priority documents had been received. When paying the issue fee, Applicant drew this to the attention of the PTO in a communication entitled "COMMENTS ON THE NOTICE OF ALLOWABILITY, ETC".

It follows that when Applicant paid the issue fee on March 4, 2004, all outstanding requirements had been met.

Thus, the period of adjustment under 1.703(f) should be 471 days.

(iii) The patent is not subject to a terminal disclaimer.

(iv) In respect of the period from the date of payment of the issue fee to the date of issue of the patent, there were no circumstances that constituted a failure to engage in processing of the application as set forth in § 1.704. In respect of the period prior to the payment of the issue fee, the PTO determined that there had been a PTO delay of 33 days

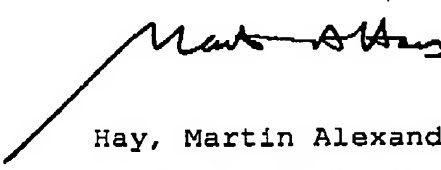
Patent No. 6,946,467
Petition under 37 CFR 705(d)

and an Applicant delay of 5 days, meaning that the term adjustment should be 28 days, as specified above.

COMMUNICATION BY TELEPHONE

The undersigned's office is located in the United Kingdom, and hence the Examiner may have difficulty contacting him from the USPTO by telephone. If the Examiner wishes to speak with the undersigned by telephone, he can contact the undersigned by e-mail at martinahay@martin-a-hay.com, or leave a message with Linda McDonald at (317) 433 7140.

Respectfully submitted,



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November 17, 2005